

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA DIVISION

JOHN DOE, by and through his next friend  
JANE DOE,

Case No. 1:16-cv-00373 (lead)

Plaintiff,

Judge Harry S. Mattice, Jr.  
Magistrate Christopher H. Steger

v.

HAMILTON COUNTY BOARD OF  
EDUCATION, *et al.*,

Defendants.

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*Consolidated with:*

RICHARD ROE, a minor student, by and through his  
parents and next friends, RICHARD ROE, SR. and  
JANE ROE,

Case No. 1:16-cv-00497

Plaintiff,

Judge Harry S. Mattice, Jr.  
Magistrate Christopher H. Steger

v.

HAMILTON COUNTY DEPARTMENT OF  
EDUCATION, *et al.*,

Defendants.

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**PLAINTIFFS' RICHARD ROE, RICHARD ROE, SR., AND JANE ROE'S PRETRIAL  
DISCLOSURE OF WITNESSES AND EXHIBITS**

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COMES NOW counsel for the Plaintiffs, Richard Roe, a minor student by and through his parents and next friends, Richard Roe, Sr. and Jane Roe, and pursuant to the Court's September 20, 2017 Amended Scheduling Order and Fed. R. Civ. P. 26(a)(3)(A)(ii) and (iii) discloses the following:

The *Roe* Plaintiffs do not reasonably anticipate presenting any witnesses by deposition.

**EXHIBITS EXPECTED TO BE OFFERED**

1. The entire Courtney Bullard file, including, but not limited to, all underlying investigation notes, e-mails, statements, charges, drafts, addendums, conclusions, recommendations.
2. Courtney Bullard's Rule 26 Expert Status and Report (including her previous reports)
3. The Bullard contract with HCDE and all scope of investigation documents
4. Bullard's correspondence to persons whom she interviewed or attempted to interview
5. Interview transcripts and statements of all students/teachers/interviewees taken during Bullard's investigation
6. Interview transcripts/statements of interviewees taken by Hamilton County District Attorney's office and/or Gatlinburg/Hamilton County Police Department
7. January 2016 interviews of Nayadley, Montgomery, Manning, and Jarvis
8. Emails between Bullard and Scott Bennett and others regarding the investigation and aftermath of the investigation (including, but not limited to, Dkt 178-8 and all other e-mails produced during discovery and pursuant to the Court's order)
9. Emails between Scott Bennett and Neal Pinkston (see Dkt No. 182-12)
10. The disciplinary letters and file for administrators and coaches relating to Gatlinburg events
11. Defendant HCDE's responses (and supplemental responses) to each set of Interrogatories and Request for Production of Documents (including all

documents produced)

12. Bullying Training and Attendance Documents
13. Defendant Montgomery, Nayadley and Jarvis' answers to Interrogatories and Request for Production of Documents (including all documents produced)
14. Report of Complaint and Notes (Dkt. 185-12)
15. B.I.N.T. Forms (Bullying Is Not Tolerated)
16. E-mail and/or text message correspondence between Jarvis, Bennett, McDade, and Adams
17. Powerpoint Presentation- Olweus Bullying Prevention Program
18. All Sign-up Sheets for Olweus Anti-Bullying Training and Meetings
19. Olweus Bullying Prevention Program- Bullying Prevention Coordinating Committee Workbook
20. E-mail correspondence between Karen Glenn and Kathy Noseworthy
21. Gym Map/Floorplan
22. The Pinkston report/correspondence
23. Floor plan
24. Ooltewah High School Student Handbook 2015-2016
25. High School Administrative Policies and Procedures Manual
26. Ooltewah High School Coaching Handbook, August 2015
27. Ooltewah High Schools 2015-2016 Faculty Handbook
28. Listing for JJ's Hideaway (including photos) and Description of JJ's Hideaway
29. Child Protective Services appeal summary and related records
30. Police records relating to Gatlinburg events

31. Dear Colleague Letters regarding bullying and Title IX
32. Exhibit Numbers 34-100 of the Rule 30b6 deponent Karen Glenn)
33. The policy of insurance disclosed with Defendant's Rule 26 disclosures
34. Exhibits to depositions of Rick Smith, Karen Glenn, Marsha Drake, Andre Montgomery, Jesse Nayadley and James Jarvis
35. Report of Dr. Charol Shakeshaft and Roger Dinwiddie
36. HCDE Sexual Harassment Policies
37. HCDE Policy on Mandatory Reporting of Child Abuse or Neglect
38. Ooltewah Bullying Surveys from November 2014
39. Roe text messages to mother produced during discovery
40. Social media post regarding Ooltewah High School ("If You Want a Basketball Rapist or a A Gay N- - - Kome Here")
41. Emails between Courtney Bullard and Karen Glenn
42. Field trip request for Gatlinburg trip and response to the request
43. Affidavit signed by Courtney Bullard, on or about September 17, 2017
44. Disclosure of Courtney Bullard as Rule 26 expert, filed on or about October 12, 2017 (with all exhibits)
45. Letter from Courtney Bullard to Charles Purcell, dated October 12, 2017
46. Letter from Courtney Bullard to Jennifer Craig, dated April 26, 2017
47. Plaintiffs include any pretrial disclosures from their co-Plaintiffs and the Defendants.
48. Hamilton County Schools records, including transcript and disciplinary history, for "Student A" (filed as Exhibit 13 to Plaintiff John Doe's Response in

Opposition to Defendant Hamilton County Board of Education's Motion for Summary Judgment, Doc. 185-15)

49. Hamilton County Schools records, including transcript and disciplinary history, for "Student B" (filed as Exhibit 14 to Plaintiff John Doe's Response in Opposition to Defendant Hamilton County Board of Education's Motion for Summary Judgment, Doc. 185-16)
50. Hamilton County Schools records, including transcript and disciplinary history, for "Student C" (filed as Exhibit 15 to Plaintiff John Doe's Response in Opposition to Defendant Hamilton County Board of Education's Motion for Summary Judgment, Doc. 185-17)
51. Report of bullying complaint (filed as Exhibit 10 to Plaintiff John Doe's Response in Opposition to Defendant Hamilton County Board of Education's Motion for Summary Judgment, Doc. 185-12)
52. Notes from meetings with Jarvis, Montgomery and Nayadley on January 4, 2016
53. Text messages from Steve Holmes
54. E-mail exchanges between individual defendants
55. OHS bullying reports
56. Answers filed by defendants
57. All depositions taken by the parties and exhibits (if necessary at trial)

Respectfully submitted,

**GILBERT RUSSELL McWHERTER  
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***ATTORNEYS FOR PLAINTIFFS***

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been served via the Court's ECF system through and also by U.S. mail, first-class postage prepaid to the following:

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on this 9<sup>th</sup> day of July, 2018.

s/Justin S. Gilbert